IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8063 of 2005

Between:

1 Md. Moinuddin S/o. Nooruddin
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
2 Smt. Y. Bhanumani, W/o. Late Sitaramanjuneyulu
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
3 Smt. Kammili Satyavathi W/o. Ananda Rao
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
4 Abdul Raheem @ Raheemuddin S/o. Pentu Saheb
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
5 Md. Galeeb S/o. Md. Haleem
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
6 Shaik Jani S/o. Shaik Ahammed Saheb
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
7 A. Suryanarayana S/o. Sivaiah
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
8 Chukka Vijaya Kumar S/o. Suryanarayana
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
9 Smt. Aabeedunnissa, W/o. Rahamuddin
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
10 Chodagam Nagamohan Rao S/o. Yedukondalu
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
11 Samiunnissa W/o. Ibrahim
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.
12 Makasi Bhaskara Rao S/o. Krishna Rao
All Petitioners are R/o. Kaikalur Village & Mandal, Krishna District.

... PETITIONERS

AND

1 The Revenue Divisional Officer, at Gudivada, Krishna District.
2 The Mandal Revenue Officer, Kaikalur, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more especially one in the nature of Writ of Mandamus declaring the proceedings in R.C.A.No. 50/2005 dt. 29-3-2005 issued by Mandal Revenue Officer for the purpose of canceling the and house sites of the petitioners situated in Sy.No. 441 of kaikalur Village & Mandal, Krishna District is wholly illegal and arbitrary.

Counsel for the Petitioners: MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioners were assigned different extents of land situated in Sy.No.441 of Kaikalur Village as house-sites.

This writ petition is filed aggrieved by the notices issued by the second respondent-Mandal Revenue Officer, Kaikalur, in which it was alleged that the petitioners have violated the conditions of grant and that apart the land in question is required for the purpose of construction of a Government Homoeo Hospital and therefore calling upon the petitioners to submit their explanation within 15 days from the date of receipt of the said notices as to why the grant in their favour should not be

cancelled.

The said notices dated 29-03-2005 are questioned in this writ petition, primarily on the ground that the 2nd respondent has no jurisdiction to initiate proceedings for cancellation of pattas since the land in question being Gramakantam land is vested with the Gram Panchayat. It is also contended that the allegation of non-compliance of the conditions of patta is factually incorrect.

Since admittedly the impugned notices are only show-cause notices, I am of the view that it would be appropriate for the petitioners to raise all the objections including the objection that the pattas cannot be cancelled without reference to the Gram Panchayat, before the 2nd respondent, in which event, the same will be considered and appropriate orders will be passed. Since as on today there is no adverse order as such, this writ petition is premature and cannot be entertained.

However, the learned counsel for the petitioners contends that since the impugned proceedings are initiated at the instance of the Revenue Divisional Officer, who is the appellate authority, the petitioners apprehend that the Mandal Revenue Officer may not consider the explanation of the petitioners independently. On a perusal of the material on record, I do not find any basis for the allegation that the impugned proceedings were initiated at the instance of the Revenue Divisional Officer. Therefore, I am not inclined to entertain the writ petition on that ground.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioners to submit their explanation in response to the impugned notices within a period of two weeks from today, in which event, the same will be considered by the second respondent-Mandal Revenue Officer and appropriate orders will be passed in accordance with law. Till such orders are passed and communicated to the petitioners, there shall be a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 12-04-2005

Note: Furnish C.C. by Tuesday.

B/o.

LSK

ASSISTANT REGISTRAR

To

1 The Revenue Divisional Officer, at Gudivada, Krishna District.
2 The Mandal Revenue Officer, Kaikalur, Krishna District.

3 Two C.Cs. to the G.P. for Revenue, High Court buildings, Hyderabad. (OUT)

4 Two C.D. copies.